

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON STATE ADMINISTRATION

**Call to Order:** Chair Pat Ingraham, on February 17, 2011 at 8:00 AM, in Room 455 Capitol

#### ROLL CALL

**Members Present:**

Rep. Pat Ingraham, Chairman (R)  
Rep. Gerald (Jerry) Bennett, Vice Chairman (R)  
Rep. Franke Wilmer, Vice Chairman (D)  
Rep. Bryce Bennett (D)  
Rep. Joanne G. Blyton (R)  
Rep. Pat Connell (R)  
Rep. Betsy Hands (D)  
Rep. Douglas (Doug) Kary (R)  
Rep. Dan Kennedy (R)  
Rep. Gary MacLaren (R)  
Rep. Jean Price (D)  
Rep. Derek Skees (R)  
Rep. Frank Smith (D)  
Rep. Kathy Swanson (D)  
Rep. Ted Washburn (R)

**Members Excused:** Rep. Gordon R. Hendrick (R)  
Rep. James Knox (R)  
Rep. Tom McGillvray (R)

**Members Absent:** None

**Staff Present:** Sheri Scurr, Legislative Branch  
Tim Stark, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 543, 2/15/2011; HB545, 2/15/2011; HB 556, 2/15/2011; HB 557, 2/15/2011  
Executive Action: HB 404 HB 418 HB 431 HB 444 HB 484 HB 528 HB 530 HB 242

**HEARING ON HB 556**

**Opening Statement by Sponsor:**

00:02:25 Rep. Ryan Osmundson (R), HD 29, opened the hearing on HB 556, Revise laws relating to enforcement of ethics and campaign practices.

**Proponents' Testimony:**

00:06:41 Rep. Dave Howard  
00:08:00 William Biernat, Montanans in Action (MIA)  
00:09:40 Brad Molnar, Billings, Montana  
00:13:09 Jim Brown, Dillion, Montana

**Opponents' Testimony:**

00:16:06 Jennifer Hensley, Office of Political Practices (OPP)  
[EXHIBIT\(sth39a01\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:27:56 Rep. Ted Washburn  
00:28:21 Rep. Ryan Osmundson  
00:29:20 Rep. Betsy Hands  
00:30:14 Jennifer Hensley  
00:33:22 Rep. Betsy Hands  
00:33:54 Jennifer Hensley

**Closing by Sponsor:**

00:35:52 Rep. Ryan Osmundson

**HEARING ON HB 543**

**Opening Statement by Sponsor:**

00:38:13 Rep. Steve Fitzpatrick (R), HD 20, opened the hearing on HB 543, Revise 2-4-307, MCA, regarding material adopted by reference.

**Proponents' Testimony:**

00:43:46 Candace West, Department of Natural Resources  
00:44:41 Mark Cadwallader, Department of Labor (DOL)  
00:47:24 John Metrolpoluis, A.W.A.R.E

**Opponents' Testimony:**

00:50:59 Justin Kraske, Montana Public Service Commission (PSC)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:53:29 Rep. Franke Wilmer  
00:54:07 Rep. Steve Fitzpatrick  
00:54:42 Rep. Franke Wilmer  
00:55:13 Rep. Steve Fitzpatrick

**Closing by Sponsor:**

00:55:47 Rep. Steve Fitzpatrick

**HEARING ON HB 545**

**Opening Statement by Sponsor:**

00:56:54 Rep. Joe Read (R), HD 15, opened the hearing on HB 545, Create study committee to design manual of emergency preparedness.

**EXHIBIT**(sth39a02)

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:00:16 Rep. Pat Connell  
01:01:08 Rep. Joe Read  
01:06:10 Rep. Pat Connell  
01:06:45 Rep. Joe Read  
01:06:58 Rep. Franke Wilmer  
01:07:05 Rep. Joe Read  
01:08:10 Rep. Franke Wilmer  
01:08:28 Rep. Joe Read  
01:09:25 Rep. Dan Kennedy  
01:09:53 Rep. Joe Read  
01:10:20 Rep. Dan Kennedy  
01:10:32 Rep. Joe Read  
01:12:22 Rep. Dan Kennedy  
01:12:33 Rep. Joe Read  
01:13:00 Rep. Dan Kennedy  
01:13:05 Rep. Joe Read

**Closing by Sponsor:**

01:13:11 Rep. Joe Read

**HEARING ON HB 557**

**Opening Statement by Sponsor:**

01:15:31 Rep. Jerry O'Neil (R), HD 3, opened the hearing on HB 557, Allow political parties to support and oppose judicial candidates.

[EXHIBIT\(sth39a03\)](#)

[EXHIBIT\(sth39a04\)](#)

[EXHIBIT\(sth39a05\)](#)

**Proponents' Testimony:** None

**Opponents' Testimony:**

01:22:27 Ed Bartlett, Montana Judges Association

01:23:24 Mary Phippen, Montana Magistrate Association

[EXHIBIT\(sth39a06\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:26:46 Rep. Derek Skees

01:27:51 Ed Bartlett

01:28:42 Rep. Franke Wilmer

01:30:10 Rep. Dan Kennedy

01:30:18 Rep. Franke Wilmer

01:30:45 Rep. Jerry O'Neil

01:31:44 Rep. Franke Wilmer

01:32:01 Rep. Pat Connell

01:32:25 Rep. Jerry O'Neil

**Closing by Sponsor:**

01:33:12 Rep. Jerry O'Neil

**Committee Business:**

01:33:32 Rep. Betsy Hands

**EXECUTIVE ACTION ON HB 278**

02:00:57 Previously Acted on 2/16/2011  
**Motion/Vote:** Rep. Wilmer moved to **RECONSIDER THE MOTION** on **HB 278**. Motion carried 11-7 by roll call vote with Rep. Connell, Rep. Hendrick, Rep. Ingraham, Rep. Kennedy, Rep. Knox, Rep. McGillvray and Rep. Skees voting no. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

02:02:14 Sheri Scurr  
02:02:33 Rep. Pat Ingraham

02:04:16 **Motion:** Rep Wilmer moved that **HB 278 DO NOT PASS.**

**Discussion:**

02:04:30 Rep. Dan Kennedy  
02:04:51 Rep. Bryce Bennett

02:05:13 **Substitute Motion/Vote:** Rep. B. Bennett made a substitute motion to **TABLE HB 278**. Substitute Motion failed 9-9 by roll call vote with Rep. Bennett, Rep. Hands, Rep. Kary, Rep. MacLaren, Rep. Price, Rep. Smith, Rep. Swanson, Rep. Washburn and Rep. Wilmer voting aye. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

**Discussion:**

02:07:26 Sheri Scurr  
02:07:49 Rep. Derek Skees  
02:08:03 Sheri Scurr

02:09:01 **Substitute Motion:** Rep. Kennedy moved that **HB 278 DO PASS AS AMENDED.**

**Discussion:**

02:09:05 Rep. Betsy Hands  
02:09:41 Rep. Pat Ingraham  
02:10:37 Rep. Derek Skees

02:11:22 **Vote:** Motion failed 9-9 by roll call vote with Rep. Bennett, Rep. Blyton, Rep. Connell, Rep. Hendrick, Rep. Ingraham, Rep. Kennedy, Rep. Knox, Rep. McGillvray and Rep. Skees voting aye. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

**EXECUTIVE ACTION ON HB 404**

02:12:57 **Motion:** Rep. G. Bennett moved that **HB 404 DO PASS.**

**Discussion:**

02:13:13 Sheri Scurr  
02:13:31 Rep. Franke Wilmer

02:16:22 **Motion:** Rep. Washburn moved that **HB 404 BE AMENDED.**

**Discussion:**

02:17:43 Sheri Scurr  
02:18:35 Rep. Douglas Kary  
02:18:48 Rep. Franke Wilmer  
02:19:09 Rep. Douglas Kary  
02:19:18 Sheri Scurr  
02:20:06 Rep. Frank Smith  
02:20:21 Sheri Scurr  
02:20:29 Rep. Frank Smith  
02:20:34 Sheri Scurr

02:20:49 **Vote:** Motion carried unanimously by voice vote. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

02:21:29 **Motion:** Rep. G. Bennett moved that **HB 404 DO PASS AS AMENDED.**  
**EXHIBIT**(sth39a07)

**Discussion:**

02:21:41 Rep. Pat Connell  
02:22:13 Rep. Franke Wilmer  
02:23:24 Rep. Joanne Blyton  
02:23:47 Rep. Franke Wilmer  
02:24:49 Rep. Ted Washburn

02:26:46 **Vote:** Motion failed 4-14 by roll call vote with Rep. Bennett, Rep. Blyton, Rep. Connell and Rep. Ingraham voting aye. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

02:26:53 **Motion/Vote:** Rep. G. Bennett moved that **HB 404 BE TABLED.** Motion carried unanimously by voice vote. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

**EXECUTIVE ACTION ON HB 418**

02:27:10 **Motion/Vote:** Rep. G. Bennett moved that **HB 418 BE TABLED.** Motion carried unanimously by voice vote. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

**EXECUTIVE ACTION ON HB 431**

02:28:54 **Motion:** Rep. G. Bennett moved that **HB 431 DO PASS.**

02:29:32 **Motion:** Rep. Ingraham moved that **HB 431 BE AMENDED.**  
**EXHIBIT**(sth39a08)

**Discussion:**

02:30:18 Rep. Kathy Swanson

02:31:02 Rep. Pat Ingraham

02:31:17 **Vote:** Motion carried unanimously by voice vote. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

02:31:40 **Motion:** Rep. G. Bennett moved that **HB 431 DO PASS AS AMENDED.**

**Discussion:**

02:31:51 Rep. Frank Smith

02:32:23 Rep. Jean Price

02:32:59 Rep. Bryce Bennett

02:33:32 **Vote:** Motion carried 10-8 by roll call vote with Rep. Bennett, Rep. Hands, Rep. McGillvray, Rep. Price, Rep. Smith, Rep. Swanson, Rep. Washburn and Rep. Wilmer voting no.

**EXECUTIVE ACTION ON HB 444**

02:35:15 **Motion:** Rep. G. Bennett moved that **HB 444 DO PASS.**

02:36:33 **Motion:** Rep. Skees moved that **HB 444 BE AMENDED.**  
**EXHIBIT**(sth39a09)

**Discussion:**

02:37:43 Rep. Pat Ingraham

02:38:04 Rep. Derek Skees

02:40:26 Sheri Scurr

02:41:13 Rep. Betsy Hands

02:41:26 Sheri Scurr

02:42:18 Rep. Betsy Hands

02:42:47 Sheri Scurr

02:42:50 Rep. Betsy Hands

02:43:13 Sheri Scurr

02:43:24 Rep. Betsy Hands

02:43:32 Sheri Scurr

02:43:39 Rep. Betsy Hands

02:44:12 Rep. Derek Skees

02:45:45 Rep. Betsy Hands

02:45:59 Rep. Ted Washburn

02:46:38 **Vote:** Motion carried 17-1 by roll call vote with Rep. Washburn voting no. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

02:48:02 **Motion:** Rep. G. Bennett moved that **HB 444 DO PASS AS AMENDED.**

**Discussion:**

02:48:09 Rep. Betsy Hands

02:49:31 Sheri Scurr  
 02:50:01 Rep. Ted Washburn  
 02:50:55 Rep. Dan Kennedy  
 02:51:53 Rep. Derek Skees  
 02:53:19 Rep. Franke Wilmer  
 02:55:21 Rep. Pat Connell  
 02:58:25 Rep. Betsy Hands  
 03:00:54 Rep. Jerry Bennett

03:01:12 **Vote:** Motion failed 8-10 by roll call vote with Rep. Bennett, Rep. Hendrick, Rep. Ingraham, Rep. Kary, Rep. Kennedy, Rep. Knox, Rep. McGillvray and Rep. Skees voting aye. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

03:02:47 **Motion/Vote:** Rep. G. Bennett moved that **HB 444 BE TABLED**. Motion carried unanimously by voice vote. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

**EXECUTIVE ACTION ON HB 484**

03:03:26 **Motion:** Rep. G. Bennett moved that **HB 484 DO PASS**.

**Discussion:**

03:03:29 Sheri Scurr  
 03:04:00 Rep. Pat Ingraham  
 03:05:22 Rep. Joanne Blyton

03:05:36 **Vote:** Motion carried unanimously by voice vote. Rep. Hands, Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

**EXECUTIVE ACTION ON HB 528**

03:06:13 **Motion:** Rep. G. Bennett moved that **HB 528 DO PASS**.

**Discussion:**

03:06:15 Sheri Scurr  
 03:06:43 Rep. Frank Smith  
 03:07:07 Rep. Joanne Blyton  
 03:07:25 Rep. Frank Smith  
 03:07:29 Rep. Jerry Bennett  
 03:07:52 Rep. Ted Washburn  
 03:08:34 Rep. Franke Wilmer  
 03:09:02 Rep. Jerry Bennett  
 03:10:02 Sheri Scurr  
 03:10:24 Rep. Frank Smith  
 03:11:06 Rep. Pat Ingraham



03:11:30 **Vote:** Motion carried 16-2 by roll call vote with Rep. Kary and Rep. Kennedy voting no. Rep. Hendrick, Rep. MacLaren and Rep. McGillvray voted by proxy.

**EXECUTIVE ACTION ON HB 530**

03:13:06 **Motion:** Rep. G. Bennett moved that **HB 530 DO PASS.**

**Discussion:**

03:13:12 Sheri Scurr

03:13:28 **Motion:** Rep. Washburn moved that **HB 530 BE AMENDED.**  
**EXHIBIT**(sth39a10)

**Discussion:**

03:14:36 Rep. James Knox entered the room.

03:14:45 **Vote:** Motion carried unanimously by voice vote. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

03:15:04 **Motion:** Rep. G. Bennett moved that **HB 530 DO PASS AS AMENDED.**

03:15:12 **Substitute Motion:** Rep. Kennedy moved that **HB 530 BE AMENDED.**  
**EXHIBIT**(sth39a11)

**Discussion:**

03:15:50 Rep. Dan Kennedy  
03:16:16 Rep. Joanne Blyton  
03:16:30 Rep. Dan Kennedy  
03:16:42 Rep. Pat Ingraham  
03:17:38 Rep. Dan Kennedy  
03:17:47 Rep. Derek Skees  
03:18:10 Sheri Scurr  
03:18:33 Rep. Dereks Skees  
03:18:43 Sheri Scurr  
03:18:49 Rep. Ted Washburn  
03:19:23 Rep. Dan Kennedy  
03:19:53 Rep. Pat Connell  
03:20:24 Rep. Pat Ingraham

03:22:28 **Motion:** Rep. Kennedy withdrew motion to amend **HB 530.**

03:22:52 **Motion:** Rep. G. Bennett moved that **HB 530 DO PASS AS AMENDED.**

**Discussion:**

03:23:20 Rep. Jerry Bennett  
03:23:51 Rep. Ted Washburn  
03:24:14 Rep. Dan Kennedy  
03:24:39 Rep. Betsy Hands

03:25:25 **Substitute Motion:** Rep. Kary moved that **HB 530 BE AMENDED.**  
(Refer to Exhibit #11)

03:25:39 Sheri Scurr  
03:26:11 Rep. Pat Ingraham

03:26:45 **Vote:** Motion carried 16-2 by voice vote with Rep. Bennett and Rep. Kennedy voting no. Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

03:27:33 **Motion:** Rep. G. Bennett moved that **HB 530 DO PASS AS AMENDED.**

**Discussion:**

03:27:43 Rep. Bryce Bennett  
03:29:25 Rep. James Knox  
03:30:20 Rep. Betsy Hands  
03:30:32 Rep. Franke Wilmer  
03:32:13 Rep. Jerry Bennett  
03:32:39 Rep. Pat Ingraham

03:34:27 **Vote:** Motion failed 4-14 by roll call vote with Rep. Blyton, Rep. Kary, Rep. Knox and Rep. Washburn voting aye. Rep. Hendrick, Rep. MacLaren and Rep. McGillvray voted by proxy.

03:35:46 **Motion/Vote:** Rep. G. Bennett moved that **HB 530 BE TABLED.** Motion carried unanimously by voice vote. Rep. Hendrick, Rep. MacLaren and Rep. McGillvray voted by proxy.

**EXECUTIVE ACTION ON HB 242**

Previously acted on 2/7/2011

03:36:26 **Motion:** Rep. Kennedy moved that **HB 242 BE REMOVED FROM TABLED.**

**Discussion:**

03:37:19 Rep. Franke Wilmer

03:38:45 **Vote:** Motion carried 9-6 by roll call vote with Rep. Bennett, Rep. Hands, Rep. Price, Rep. Smith, Rep. Swanson and Rep. Wilmer voting no. Rep. Hendrick, Rep. MacLaren and Rep. McGillvray did not vote.

03:38:57      **Motion:** Rep. G. Bennett moved that **HB 242 DO PASS.**

**Discussion:**

03:39:20      Sheri Scurr

03:39:28      **Motion:** Rep. Blyton moved that **HB 242 BE AMENDED.**

**EXHIBIT**(sth39a12)

**Discussion:**

03:41:00      Rep. Joanne Blyton

03:43:53      Rep. Betsy Hands

03:45:19      Rep. Derek Skees

03:46:25      Rep. Betsy Hands

03:46:33      Sheri Scurr

03:47:37      Rep. Joanne Blyton

03:47:54      Rep. Franke Wilmer

03:49:38      Rep. Dan Kennedy

03:50:18      Rep. Derek Skees

03:50:59      Rep. Pat Ingraham

03:51:38      Rep. Joanne Blyton

03:51:42      Rep. Pat Ingraham

03:52:04      **Vote:** Motion carried 12-6 by roll call vote with Rep. Bennett, Rep. Hands, Rep. Price, Rep. Smith, Rep. Swanson and Rep. Wilmer voting no. Rep. Hendrick, Rep. MacLaren and Rep. McGillvray voted by proxy.

03:53:14      **Motion:** Rep. G. Bennett moved that **HB 242 DO PASS AS AMENDED.**

**Discussion:**

03:53:58      Rep. James Knox

03:54:15      Rep. Franke Wilmer

03:54:40      Rep. Pat Ingraham

03:58:16      **Vote:** Motion failed 3-15 by roll call vote with Rep. Blyton, Rep. Kennedy, Rep. Skees and Rep. Washburn voting aye. Rep. Hendrick, Rep. MacLaren and Rep. McGillvray voted by proxy.

03:59:37      **Motion/Vote:** Rep. G. Bennett moved that **HB 242 BE TABLED.** Motion carried unanimously by voice vote. Rep. Hendrick, Rep. MacLaren and Rep. McGillvray voted by proxy.

**ADJOURNMENT**

04:01:09      Adjournment

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Tim Stark, Secretary

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Additional Documents:

**EXHIBIT([sth39aad.pdf](#))**